



Docket No.: 578352001702
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jordan J.N. TANG et al.

Application No.: 10/820,953

Confirmation No.: 9733

Filed: April 8, 2004

Art Unit: 1654

For: INHIBITORS OF MEMAPSIN 2 AND USE
THEREOF

Examiner: A. Mohamed

COMMUNICATION REGARDING
FEE DEFICIENCY RELATED TO ENTITY STATUS AND
NOTICE OF STATUS UNDER 37 C.F.R. §1.28(C)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A good faith error appears to have been made by prior counsel regarding the entity status of the above-referenced patent application and some fee payments appear to have been made in error, claiming small entity discount, which should have been large entity status. As required under 37 C.F.R. §1.28(c), Applicants include in this submission an itemization of deficiencies owed from the previous erroneous payments and include the calculated deficiency payment.

Small entity fees were paid in the filing of a response to an Office Action with a one month extension on October 23, 2006. Applicants are enclosing the amount of \$60.00 to provide the difference between the amount to be paid as a large versus small entity. Pursuant to 37 C.F.R. §1.28(c), this fee (representing the deficiency) is based on the amount of the fee in effect at the time the deficiency is paid in full.

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It is noted by the Applicants that the Notice of Allowance and Fees Due mailed 1/17/2007 in connection with the present application correctly lists the entity status of this case as large entity (as "NO" appears under "Small Entity" on form PTOL-85). Thus no change in the entity status appears to be necessary as the Office has the entity status correctly assigned as LARGE ENTITY.

As required under 37 C.F.R. §1.28(c)(2), to correct this oversight and in order for the error in payments to be excused we hereby submit an itemization of all erroneous small entity payments and the differential fees, together with the deficiency payment.

Itemization of all erroneous small entity payments and the differential fees:

TYPE OF FEE	DATE PAID	SMALL ENTITY FEE PAID	CURRENT FEE AMOUNT	LARGE ENTITY DIFFERENTIAL FEE
Extension for response within one month	October 23, 2006	\$ 60.00	\$ 120.00	\$ 60.00
TOTALS		\$ 60.00 (Total Fees Previously Paid)	\$ 120.00 (Current Fee Amount)	\$ 60.00 (Corrected Fee Amount to be charged to Deposit Account No. 03-1952)

Based upon the above, Applicant believes the differential between the small entity fees previously paid and the large entity fees now owing should total \$60.00. Applicant requests this *differential fee* be paid from our **Deposit Account No. 03-1952** referencing docket no. 578352001702. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 3, 2007

Respectfully submitted,

Electronic signature: /Kimberly A. Bolin/
Kimberly A. Bolin

Registration No.: 44,546
MORRISON & FOERSTER LLP
755 Page Mill Road
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Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2007		Complete if Known	
		Application Number	10/820,953
		Filing Date	April 8, 2004
		First Named Inventor	Jordan J.N. TANG
		Examiner Name	A. Mohamed
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Art Unit	1654	
TOTAL AMOUNT OF PAYMENT	(\$) 60.00	Attorney Docket No.	578352001702

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account	Deposit Account Number: <u>03-1952</u> Deposit Account Name: <u>Morrison & Foerster LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
- 20 =		x	=		Fee (\$)		Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20.							
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 =		x	=				
HP = highest number of independent claims paid for, if greater than 3.							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
- 100 =	/50	(round up to a whole number) x	=				
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): Fee Deficiency Related to Entity Status and Notice of Status Under 37 CFR §1.28(c)						60.00	

SUBMITTED BY			
Signature	/Kimberly A. Bolin/	Registration No. (Attorney/Agent)	44,546
Name (Print/Type)	Kimberly A. Bolin	Telephone	(650) 813-5740
		Date	April 3, 2007